

Minutes of the February 9, 2017 Board of Chiropractic Meeting

Mark Wurth, Chairperson, called the meeting of the Board of Chiropractic to order at 9:04 a.m. on Thursday, October 27, 2016, in the Nebraska State Office Building, Lower Level B Conference Room, 301 Centennial Mall South, Lincoln, Nebraska. The meeting was duly publicized by distribution of the Notice of Meeting Agenda at least 10 days prior to the meeting and by posting the agenda at the entrance of the Department of Health and Human Services at least 24 hours prior to the meeting.

Dr. Wurth announced that this is a public meeting and the Open Meetings Act was posted.

The following Board members and Department Staff were present at the meeting: Dr. David Lauer; Dr. Jeremiah Rethwisch; Dr. Mark Wurth; Claire Covert-Bybee, Program Manager; Jacye LaFayette-Dymacek, Health Licensing Coordinator; Investigators Kathleen Krueger, Jeff Newman, Dennis Scott, and Larry Wiehn; Ami Huff, Assistant Attorney General and Suzanna Glover-Ettrich, Department Legal Counsel.

Maryann Gamble was absent from the meeting.

Dr. Rethwisch moved, seconded by Dr. Lauer to adopt the agenda. Voting aye: Lauer, Rethwisch, and Wurth. Voting nay: None. Absent: Gamble. Motion carried.

Dr. Rethwisch moved, seconded by Dr. Lauer moved to approve the minutes from the October 27, 2016 meeting as presented. Voting aye: Lauer, Rethwisch, and Wurth. Voting nay: None. Absent: Gamble. Motion carried.

Dr. Rethwisch moved, seconded by Dr. Lauer to go into closed session at 9:07 a.m. to hear discussions regarding confidential information and to protect the reputation of individuals named or referenced in such discussions. Voting aye: Lauer, Rethwisch, and Wurth. Voting nay: None. Absent: Gamble. Motion carried.

Dr. Lauer moved, seconded by Dr. Rethwisch to return to open session at 10:51. Voting aye: Lauer, Rethwisch, and Wurth. Voting nay: None. Absent: Gamble. Motion carried.

Dr. Lauer moved, seconded by Dr. Rethwisch to table Chris W Driscoll's application for reinstatement of his license to practice as a Chiropractor in the State of Nebraska in order to obtain further information. Voting aye: Lauer, Rethwisch, and Wurth. Voting nay: None. Absent: Gamble. Motion carried.

After discussion, Dr. Lauer moved, seconded by Dr. Rethwisch that it is the opinion of the Board that a chiropractor can use the term 'physiotherapy' and/or 'physical therapy' to describe services provided as long as it is clearly denoted that such services are being provided by a Chiropractor. Voting aye: Lauer, Rethwisch, and Wurth. Voting nay: None. Absent: Gamble. Motion carried.

After discussion, Dr. Lauer moved, seconded by Dr. Rethwisch to name Dr. Rethwisch Chairperson, Dr. Lauer Vice-Chairperson, Ms. Gamble Secretary, and Dr. Rethwisch Investigative Consultant. Voting aye: Lauer, Rethwisch, and Wurth. Voting nay: None. Absent: Gamble. Motion carried.

After discussion, Dr. Rethwisch moved, seconded by Dr. Lauer to continue the same methods that the Department has been using to provide public notice of this Board's meetings by posting meeting agendas on the Department's website and at the Nebraska State Office Building on the Licensure Unit's bulletin board and emailing agendas to the interested parties list. Voting aye: Lauer, Rethwisch, and Wurth. Voting nay: None. Absent: Gamble. Motion carried.

Ms. Covert-ByBee provided information to the Board regarding proposed legislation currently being considered by the Nebraska Unicameral. This was for informational purposes only.

The Board reviewed the current draft of the Rules and Regulations that are open for revision. There was discussion regarding changes that have been made and changes that the Board would like to see in the next draft.

The Board reviewed the Ethics and Boundaries Essay Examination for approval and determined that this examination had previously been approved for use.

A copy of the 2016 CCE Election Results was provided to the Board. This was for informational purposes only.

Ms. Covert-ByBee shared information regarding the current restrictions on all non-essential out-of-state travel.

Dr. Rethwisch moved, seconded by Dr. Lauer to name Dr. Rethwisch as the delegate to the NBCE and the alternate delegate to the FCLB and Dr. Lauer as the delegate to the FCLB and the alternate delegate to the NBCE. Voting aye: Lauer, Rethwisch, and Wurth. Voting nay: None. Absent: Gamble. Motion carried.

A copy of the Application Processing Report was provided to the Board. This was for informational purposes only.

The next meeting of the Board of Chiropractic is scheduled for June 22, 2017 at 9:00 a.m. in the Lower Level B Conference Room of the Nebraska State Office Building.

For the next meeting, the Board will review the draft regulations paying particular attention to the wording surrounding advertising in relation to Unprofessional Conduct. To facilitate the discussion, Board members will solicit input from stakeholders, and the Department will invite a representative from the NCPA to attend the meeting.

There being no further business, the meeting adjourned at 12:28 p.m.

Respectfully submitted,

Dr. Jeremiah Rethwisch, Secretary

Prepared by: Jacye LaFayette-Dymacek, Health Licensing Coordinator